

BILL BRADBURY  
SECRETARY OF STATE



ELECTIONS DIVISION  
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ELECTIONS—(503) 986-1518

BEFORE THE SECRETARY OF STATE  
OF THE  
STATE OF OREGON

In the matter of an Insufficient Contribution and Expenditure )  
Report by the Wallowa County Democratic Central ) Final Order by Default  
Committee, June Colony, Treasurer, for the Post-Election for )  
the November 2, 2004, General Election ) Case No. I8632  
)

January 27, 2006

Wallowa County Democratic Central Committee (004825)  
June Colony, Treasurer  
309 E North St  
Enterprise, OR 97828

Dear Ms. Colony:

This is a Final Order by Default issued by the Secretary of State (secretary) for your failure to file a sufficient post-election contribution and expenditure report for the November 2, 2004, General Election.

On December 15, 2005, the secretary notified the Wallowa County Democratic Central Committee (committee), pursuant to ORS 260.232(2), that it had failed to file a sufficient report and that the secretary may impose a civil penalty. An opportunity for a hearing was provided in that notice; however, no request for a hearing was received by the secretary within the time permitted in the notice. Accordingly, after consideration of the records and files of the secretary regarding this matter, the secretary is entering the following Order.

FINDINGS OF FACT

1. The committee's Statement of Organization (SEL 221), applicable during the reporting period, was filed with the secretary on February 12, 2004. The statement reported June Colony as the treasurer and 309 E North St, Enterprise, OR 97828 as the address to which all committee correspondence was to be sent.
2. The committee filed post-election reports with the secretary on November 30, 2004, and December 16, 2004.

3. On December 17, 2004, the secretary sent the committee an exam letter that itemized the areas where the report was not in compliance. The committee was asked to submit the necessary amended information by December 30, 2004, to avoid penalties for failure to file a sufficient report.
4. On December 29, 2004, an amendment to the committee's report was filed.
5. On the day following the December 30, 2004, amendment deadline, the committee's report was still missing the following required information: the occupational information for one contributor and a complete date for one expenditure (2 items).
6. On December 15, 2005, the secretary sent the committee a Notice of Proposed Civil Penalty. The notice was sent by both certified and first class mail to the treasurer at the above-referenced address. The notice indicated the committee's report was still missing the complete date for one contribution and one expenditure. The notice proposed a civil penalty of \$30.00 and allowed the committee 20 days to request a hearing. The notice sent by certified mail was received and signed for by Ellen Bishop on December 17, 2005.
7. Upon further review of the post-election amendment filed by the committee on December 29, 2004, the secretary determined that the date for one contribution was sufficiently amended, and that the complete date for one expenditure and the occupational information for one contributor were still insufficient after the amendment deadline.
8. The committee did not request a public hearing or submit notarized testimony in lieu of a public hearing.
9. The secretary has record of one previous insufficient filing during the two-year period beginning September 15, 2003.

#### ULTIMATE FINDINGS OF FACT

June Colony, Treasurer, failed to file a sufficient post-election contribution and expenditure report for the November 2, 2004, General Election.

#### CONCLUSIONS OF LAW

The secretary erred in stating the detail of the remaining insufficiencies. However, this error would not have changed the proposed civil penalty.

Treasurer June Colony's failure to file a sufficient post-election contribution and expenditure report for the November 2, 2004, General Election violated ORS 260.073, ORS 260.083 and OAR 165-012-0005. A civil penalty may be imposed for this violation under ORS 260.232(1)(b).

A maximum \$10,000 civil penalty may be imposed for this violation. The *2004 Campaign Finance Manual*, which contains a penalty calculation matrix on pages 104 and 105, is designated in OAR 165-012-0005 as the procedure manual for Oregon campaign finance regulations.

Since this is the second violation by the treasurer, the penalty is \$15.00 per omission.

ORDER

It is ordered that no penalty be assessed because the appropriate penalty is under \$50.

RIGHT TO JUDICIAL REVIEW

You have the right to appeal this Order to the Oregon Court of Appeals pursuant to ORS 183.482. To appeal you must file a petition for judicial review with the Court of Appeals within 60 days from the day this Order was served to you. Because this Order was mailed to you, the date of service is the day it was *mailed*, not the day you received it. If you do not file a petition for judicial review within the 60-day time period, you will lose your right to appeal.

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Jennifer Hertel, Compliance Specialist

DATE of Service: January 27, 2006